

Sixth Appellate District

San Jose, California

MONDAY, MARCH 22, 2004

H026189 PEOPLE v. FUENTES

The order of the court is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed March 22, 2004

H025867 PEOPLE v. HARDACRE

A charge of driving under the influence and with a blood alcohol level greater than .08 percent is not a charge involving the speed of a vehicle. Therefore, the speed trap exclusionary provisions of sections 40803 and 40804, which apply only to charges involving the speed of a vehicle, were inapplicable to this case. The Commissioner's order granting defendant's motion to suppress evidence is reversed. (published)
(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)
Filed March 22, 2004

H025944 PEOPLE v. PEREZ

The abstract of judgment is modified to delete the notation "CT 1 only" in section 13, under the heading "credit for time served." The trial court is directed to amend the abstract of judgment accordingly and forward a certified copy of the amended abstract to the Department of Corrections. As modified, the judgment of conviction is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed March 22, 2004

H025871 PEOPLE v. MILLAR

The abstract of judgment is ordered corrected to reflect a concurrent 180-day jail term on count 2, deemed served with a grant of an additional seven days of custody credit. As so corrected, the judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Wunderlich, J., Mihara, J.)
Filed March 22, 2004

TUESDAY, MARCH 23, 2004

H026397 Adoption of JEANNE V., a Minor; JOY F, et al. v. JOSE V.

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed March 23, 2004

Sixth Appellate District

San Jose, California

Tuesday, March 23, 2004 (continued)

H026675 DIEGO v. SUPERIOR COURT OF MONTEREY COUNTY (YOUNG)

Let a peremptory writ of mandate issue directing respondent court to reconsider its order denying the application of petitioner Dyan Violeta Diego for a waiver of court fees and costs in light of this opinion. In all other respects, the petition for writ of mandate is denied. This opinion is made final immediately as to this court (Cal. Rules of Court, rule 24(b)(3).) The temporary stay order issued November 13, 2003, is vacated. Each party to bear its own costs in this original proceeding. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed March 23, 2004

H025116 PEOPLE v. REBOLLOSA

The judgment of conviction on count 1 is reversed. The matter is remanded for resentencing on the remaining counts. (not published)

(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed March 23, 2004

H025497 PEOPLE v. KEMPER

The judgment is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed March 23, 2004

H025368 RAMIREZ, et al. v. A.P. PALLET, et al.

The judgment is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Wunderlich, J., Mihara, J.)

Filed March 23, 2004

H026069 PEOPLE v. ROCK

The judgment is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed March 23, 2004

Sixth Appellate District

San Jose, California

WEDNESDAY, MARCH 24, 2004

H025987 PEOPLE v. ORABUENA

(Filed order modifying opinion.) There is no change in the judgment. (published)

(McAdams, J., Rushing, P.J., Premo, J.)

Filed March 24, 2004

H024877 BENNETT, et al. v. TRUTTMAN, et al.

(Filed order modifying opinion.) The petition for rehearing is denied. There is no change in the judgment. (not published)

(Rushing, P.J.; We concur: Wunderlich, J., Mihara, J.)

Filed March 24, 2004

THURSDAY, MARCH 25, 2004

H025401 DENEVI v. LGCC, et al.

By the Court*:

Appellant's petition for rehearing is granted.

Filed: March 25, 2004

*Before Rushing, P.J., Premo, J. and Elia, J.

H025588 PEOPLE v. GONZALEZ

The judgment is affirmed. (not published)

(McAdams, J.; We concur: Rushing, P.J., Premo, J.)

Filed March 25, 2004

H025074 INTRIERI et al. v. SUPERIOR COURT; OCADIAN CARE CENTERS, INC.

Let a peremptory writ of mandate issue directing respondent court to vacate its order granting the motion for summary adjudication of the first cause of action for willful misconduct/elder abuse, the seventh cause of action for fraud, and the eighth cause of action for negligent misrepresentation, and to enter a new order denying the motion as to those three causes of action. Upon finality of this decision, the temporary stay order is vacated. Petitioners shall recover their costs in this writ proceeding. (published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed March 25, 2004

Sixth Appellate District

San Jose, California

Thursday, March 25, 2004 (continued)

H025447 PEOPLE v. FRANCISCO C.

By the Court*:

Appellant's petition for rehearing is denied.

Filed: March 25, 2004

*Before Bamattre-Manoukian, Acting P.J., Wunderlich, J. and Mihara, J.

H024709 PEOPLE v. ALVAREZ

The judgment is affirmed. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Wunderlich, J.)

Filed March 25, 2004

H024944 KATZ v. LOS GATOS-SARATOGA JOINT UNION HIGH SCHOOL DISTRICT

The judgment is affirmed. Katz is entitled to costs on this appeal. On appropriate motion, the trial court may consider a request for attorney's fees pursuant to Code of Civil Procedure section 1021.5. (published)

(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed March 25, 2004

H026292 PEOPLE v. GALLARDO

The judgment is reversed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed March 25, 2004

FRIDAY, MARCH 26, 2004

H025125 PEOPLE v. OBUJEN

By the Court*:

Appellant's petition for rehearing is denied.

Filed: March 26, 2004

*Before Bamattre-Manoukian, Acting P.J., Wunderlich, J. and Mihara, J.

H025603 Marriage of BARARPOUR and HATAMI

By the Court*:

Appellant's petition for rehearing is denied.

Filed: March 26, 2004

*Before Rushing, P.J., Premo, J. and Elia, J.

Sixth Appellate District

San Jose, California

Friday, March 26, 2004 (continued)

H025490 VARTANIAN v. INTEL CORPORATION

(Filed order modifying opinion.) This modification does not affect the judgment. Appellant's petition for rehearing is denied. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed March 26, 2004

H025544 PEOPLE v. VALTIERRA

By the Court*:

Appellant's petition for rehearing is denied.

Filed: March 26, 2004

*Before Rushing, P.J., Premo, J. and McAdams, J.

H025622 PEOPLE v. PEDREGON

(Filed order modifying opinion.) This modification does not effect a change in the judgment. (not published)

(Bamattre-Manoukian, Acting P.J., Wunderlich, J., Mihara, J.)

Filed March 26, 2004

H025792 PEOPLE v. SCOTT

The judgment is affirmed. (not published)

(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed March 26, 2004

H026239 PEOPLE v. AMICK

The abstract of judgment is modified to reflect in section 7, under the heading "other orders," that the one-year concurrent county jail sentence is for count 2 only. The trial court is directed to amend the abstract of judgment accordingly and forward a certified copy of the amended abstract to the Department of Corrections. As modified, the judgment of conviction is affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed March 26, 2004

H025744 PEOPLE v. ETHAN A.

The judgment is affirmed. (not published)

(Wunderlich, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed March 26, 2004

Sixth Appellate District

San Jose, California

Friday, March 26, 2004 (continued)

H026017 PEOPLE v. HERNANDEZ

The judgment is affirmed. The matter is remanded to the trial court to strike the 10-year gang enhancement imposed in count one under section 186.22, subdivision (b)(1), to impose instead the 15-year minimum parole eligibility of section 186.22, subdivision (b)(5), and to reconsider the sentence in light of this modification. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed March 26, 2004